

**BEFORE THE STATE BOARD OF MEDIATION  
STATE OF MISSOURI**

TEAMSTER, CHAUFFEURS, WAREHOUSEMEN )		
AND HELPERS, LOCAL UNION NO. 574, )		
	)	
Petitioner, )		
	)	
vs. )		Public Case No. 78-020
	)	
SOUTHEAST MISSOURI STATE UNIVERSITY, )		
(ACADEMIC HALL CUSTODIANS), CAPE )		
GIRARDEAU, MISSOURI, )		
	)	
Respondent. )		

**JURISDICTIONAL STATEMENT,**  
**STATEMENT OF FACT,**  
**CONCLUSIONS OF LAW AND DECISION**

**JURISDICTIONAL STATEMENT**

A petition was filed in this matter by the Teamsters, Chauffeurs, Warehousemen and Helpers, Local Union No. 574 (hereinafter referred to as Petitioner), to represent a group of custodians employed by Southeast Missouri State University. The statutory authority required for the State Board of Mediation to render a decision with respect to issues relating to appropriateness of bargaining units is found in Section 105.500 RSMo. 1969:

"Unless the context otherwise requires. . .appropriate unit means a unit of employees at any plant or installation or in a craft or in a function of a public body which establishes a clear and identifiable community of interest among the employees concerned."

The sole issue in dispute before the State Board of Mediation in the instant case is whether nineteen (19) "academic custodians" constitute an appropriate unit.

It is the contention of Southeast Missouri State University (hereinafter referred to as the Respondent) that all persons clarified as custodians, fifty-nine (59) in number,

constitute an appropriate unit. There are forty (40) custodians known as "auxiliary enterprise custodians" and nineteen (19) "academic custodians."

### **STATEMENT OF FACT**

A hearing was conducted by a quorum of the Board at the Common Pleas Courthouse, Cape Girardeau, Missouri, at which time the following evidence was adduced.

The evidence shows there are twenty (20) Class IA Custodians; eight (8) Class IB Custodians; three (3) Class II Custodians; eight (8) Class III Custodians; and eighteen (18) Lead Custodians; and one (1) Floating Custodian; and one (1) Class I Custodian, not designated as A or B. A copy of the job descriptions are attached to and made a part of this decision.

Lead custodians perform the same duties as Class I custodians as shown by the job description; however, supervisory and leadership qualities are required of an employee before he can assume the duties of Class III and Lead. Many students perform part-time custodial work and lead custodians supervise those students.

The work that academic and auxiliary custodians perform "is very similar." Both clean "floors, walls and ceilings." Auxiliary custodians work mainly in dormitories and sometimes move beds and chests of drawers. Academic custodians move file cabinets, desks and equipment. The custodians who work in the dormitories do not clean rooms unless the rooms are unoccupied. Students are required to maintain their own rooms and custodians in these buildings operate in the halls, bathrooms and common areas of the housing units.

Vincent F. Seyer, who is director of the physical plant of the University, oversees the custodians. He has two persons who act as supervisors of all custodians. Jim McGinnis is responsible for the central campus buildings and the University Center.

Archie Springel is responsible for housing. Before these two men were employed, one person, Fred Schaefer, supervised all custodians. As the University grew, it became necessary to have two supervisors.

### **CONCLUSIONS OF LAW**

Section 105.525 RSMo. 1969 states:

"Issues with respect to appropriateness of bargaining units and majority representative status shall be resolved by the state board of mediation..."

Appropriate unit is defined in Section 105.500(1) RSMo. 1969 as:

"...a unit of employees at any plant or installation or in a craft or in a function of a public body which establishes a clear and identifiable community of interest among the employees concerned."

The Respondent has strongly urged this Board to consider the serious problem of over-fragmentation of bargaining units in deciding this matter. Although the Missouri legislature has not set forth a provision concerning "over-fragmentation" in Section 105.500 et seq. RSMo. 1969, this Board would be remiss in its responsibility of deciding appropriate units if it did not confront this issue. The Board, however, must also take into consideration the phrase "clear and identifiable community of interest" in determination of an appropriate unit. Therefore, in deciding upon the configuration of the group to be represented, a balance in this case must be struck between these two contending considerations.

The record supports the Respondent's position that the employees are integrated insofar as they are paid by the same pay scale and share the same benefits.

It is true that the "academic custodians" work in different buildings than do the "auxiliary enterprise custodians"; however, the work performed is not sufficiently different in scope or nature that it would require separate units be established for each group.

### **DECISION**

It is the decision of the State Board of Mediation that an appropriate unit of custodians would include both academic custodians and auxiliary enterprise custodians.

Unit: All full-time custodians of Southeast Missouri State University but excluding supervisors.

Dated this 13th day of March, 1979.

MISSOURI STATE BOARD OF MEDIATION

(SEAL)

/s/ Conrad L. Berry  
Conrad L. Berry, Chairman

/s/ Robert Missey  
Robert Missey, Employee Member

/s/ Harry Scott  
Harry Scott, Employer Member